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OFFICE OF PETITIONS

In re Application of
Rogers et al.
Application No. 09/776,533
Filed: February 7, 2000
Attorney Docket No. MIT 7501-CON

: ON PETITION

This is a decision on the petition filed by facsimile transmission June 13, 2003, which is being treated as a petition under 37 CFR 1.181(a)(3) requesting that the Director exercise his supervisory authority and review the decision of the Group Director of Technology Center 1600 (Group Director) of May 22, 2003, which granted (to the extent indicated) the petition requesting withdrawal of the final restriction requirement of September 6, 2002.

The petition is **dismissed** as premature.

Petitioners seek review of the restriction requirement set forth in the Group Director's decision of May 22, 2003.

Inspection of the Group Director's decision reveals (at 3) that in favorably treating petitioners' request for withdrawal of the outstanding restriction requirement, the Group Director has instructed the examiner to "recast" the requirement in a forthcoming Office action, as opposed to actually imposing a new requirement for restriction in the decision. Accordingly, at this time there is no outstanding restriction requirement to be reviewed.

Nevertheless, when recasting the restriction requirement in the forthcoming Office action, the examiner is to specifically consider and address on the record the arguments made, and the applicable restriction procedures noted, in the petition filed June 13, 2003.

Telephone inquiries related to this decision should be directed to Petitions Examiner Brian Hearn at (703) 305-1820.

This application is being returned to Technology Center AU 1644 for action consistent with this decision.

Stephen G. Kunin
Deputy Commissioner
for Patent Examination Policy